

Budget Committee had a budget resolution which called for a deficit of \$64.3 billion. At the moment we have a resolution which calls for a deficit of \$68.6 billion. In 2 days we have added \$4.3 billion to the deficit. Mr. Chairman, everybody talks about national priorities, and obviously we have different views of what our national priorities are. It is obvious that things for defense and for veterans are high on our list of national priorities, and things for the benefit of social welfare programs are low on our list of national priorities, because that is the way we voted here. Frankly, I have voted against all of the amendments which increased the budget and increased the budget deficit, and I am a little embarrassed that I am again offering an amendment which reduces the budget and reduces the budget deficit. This is the same amendment which I offered earlier. It reduces spending in two categories—allowances and defense—a total of \$130 million, which is the amount of the 29 percent or 28 percent pay raise which people in those categories outside of the Congress got. We have discussed it already. The committee accepted it once. It got wiped out by the Burleson amendment.

After debate on the Pike amendment, the amendment was rejected.

§ 33. Amendments Pertaining to Monetary Figures

Amendment Changing Figure Previously Agreed Upon

§ 33.1 When a specific amendment to a figure in a bill has been agreed to, further amendment of that sum is not in order.

On July 25, 1967,⁽⁴⁾ the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. (Robert N.) Giaimo (of Connecticut):

On page 4, lines 16 and 17, after "commitment of the Government to construction);" strike out "\$936,750,000" and insert in lieu thereof "\$935,074,000". . . .

So the amendment was agreed to. . . .

The Clerk read as follows:

Amendment offered by Mr. [J. William] Stanton [of Ohio]: On page 4, lines 16 and 17, strike out "\$936,750,000" and insert in lieu thereof "\$936,000,000". . . .

MR. [JAMIE L.] WHITTEN [of Mississippi]: Mr. Chairman, it is my understanding that the amount has already been amended, and having been amended, a second amendment for the same purpose would not lie at this time. . . .

THE CHAIRMAN:⁽⁵⁾ The Chair rules that the amendment offered by the

4. 113 CONG. REC. 19985, 19991, 19992, 90th Cong. 1st Sess. Under consideration was H.R. 11641.

5. Wayne N. Aspinall (Colo.).

gentleman from Ohio which has just been read is out of order and sustains the point of order.

§ 33.2 Where a sum has been specifically changed by amendment, it is not in order to further change the same figure by a direct amendment.

On June 28, 1967, the Committee of the Whole had under consideration H.R. 10340, authorizing appropriations for the National Aeronautics and Space Administration. Amendments affecting the total authorization were offered: ⁽⁶⁾

Amendment offered by Mr. [James G.] Fulton of Pennsylvania:

On Page 1, line 5, strike the amount "\$4,992,182,000" and insert in lieu thereof the amount "\$4,742,182,000". . . .

Amendment offered by Mr. [Richard L.] Roudebush [of Indiana] to the amendment offered by Mr. Fulton of Pennsylvania: On page 1, line 5, strike the amount, \$4,992,182,000 and insert in lieu thereof the amount \$4,927,182,000.

On page 2, line 1, strike the amount of \$444,700,000 and insert in lieu thereof the amount \$379,700,000. . . .

The Roudebush amendment, and the Fulton amendment as amended thereby, were agreed to.⁽⁷⁾ Subsequently, Mr.

Roudebush offered a further amendment: ⁽⁸⁾

The Clerk read as follows:

Amendment offered by Mr. Roudebush: On page 1, line 5, strike out the amounts "\$4,992,182,000" and insert in lieu thereof the amount "\$4,982,182,000" and on page 2, line 22, strike out the amount "\$30,000,000" and insert in lieu thereof the amount "\$20,000,000".

After some discussion as to whether the amendment accurately reflected changes in the figures made by previous amendments, the amendment was resubmitted in the following form:

Amendment offered by Mr. Roudebush: On page 1, line 5, strike the amount "\$4,992,182,000" and insert in lieu thereof the amount "\$4,927,182,000".

On page 2, line 22, strike the amount "\$30,000,000" and insert in lieu thereof the amount "\$20,000,000".

The following parliamentary inquiry arose:

MR. [JOSEPH E.] KARTH [of Minnesota]: Mr. Chairman, my inquiry is whether or not the figure on line 5, page 1, can be further amended inasmuch as it has already been amended?

THE CHAIRMAN:⁽⁹⁾ The Chair will state, if a timely point of order is made, the Chair will respond to the gentleman's parliamentary inquiry that line 5 on page 1 cannot be amended. . . .

MR. KARTH: Mr. Chairman, if that figure cannot be further amended, and

6. 113 CONG. REC. 17739, 90th Cong. 1st Sess.

7. *Id.* at p. 17748.

8. *Id.* at p. 17754.

9. John J. Flynt (Ga.).

the gentleman chooses to pursue his amendment, and change the figure on page 2, would it then be a proper amendment?

THE CHAIRMAN: The Chair does not pass on that until an amendment described by the gentleman from Minnesota is offered.

The gentleman's parliamentary inquiry is premature. It cannot be made until such an amendment is offered.

Mr. Roudebush then offered his amendment, omitting direct reference to the figure for the total authorization.⁽¹⁰⁾

The Clerk read as follows:

Amendment offered by Mr. Roudebush: On page 2, line 22, strike the amount "\$30 million" and insert in lieu thereof the amount "\$20 million". . . .

MR. KARTH: Mr. Chairman, now that the amendment is here, I again renew my request for a ruling as to whether or not the amendment that the gentleman proposes to make on page 2 can be legitimately made without changing his figure on page 1. I raise that point of order, Mr. Chairman. . . . My point of order is, If the gentleman proceeds with his amendment as it has been read by the Clerk, reducing the amount on line 22 by \$10 million and he does not change the total on line 5 of page 1, it seems to me that the amendment is not in proper order.

THE CHAIRMAN: Will the gentleman state his point of order in a form on which the Chair can rule?

MR. KARTH: The point of order I raise, Mr. Chairman, is against the amendment.

THE CHAIRMAN: On what basis?

MR. KARTH: On the basis that it is not a properly drawn amendment, that it does not affect the bill as it otherwise would if it were proper.

THE CHAIRMAN: The Chair overrules the point of order. The Chair does not make rulings on the consistency of language in amendments offered to the bill.

The gentleman from Indiana (Mr. Roudebush) is recognized for 5 minutes. . . .

MR. [ROBERT C.] ECKHARDT [of Texas]: Mr. Chairman, I make the point of order that the amendment offered has the effect of changing the figure on page 1, line 5, by reducing it \$10 million, and, therefore, affects line 5, which has already been amended at a previous time.

THE CHAIRMAN: The Chair is ready to rule on the point of order.

The Chair will state that the point of order made by the gentleman from Texas is substantially the same point of order made by the gentleman from Minnesota. The Chair does not rule on the question of whether an amendment to one point would amend another point in the bill.

The present amendment offered by the gentleman from Indiana relates to line 22 on page 2 and has no effect at this time on line 5, page 1.

The Chair, therefore, overrules the point of order of the gentleman from Texas.

§ 33.3 It is not in order by further amendment to merely change a figure already amended.

On Apr. 30, 1975,⁽¹¹⁾ the House having resolved into the Com-

10. 113 CONG. REC. 17755, 90th Cong. 1st Sess.

11. 121 CONG. REC. 12403, 12404, 94th Cong. 1st Sess.

mittee of the Whole, the Chair responded to parliamentary inquiries regarding the procedures for consideration of House Concurrent Resolution 218⁽¹²⁾ as indicated below:

MR. [BROCK] ADAMS [of Washington]: Mr. Chairman, would the Chair state the procedures governing the consideration of this first budget resolution?

THE CHAIRMAN:⁽¹³⁾ . . . The procedures governing consideration of budget resolutions are set forth in section 305(a) of the Congressional Budget and Impoundment Control Act of 1974. They are as follows:

First, 10 hours are permitted for general debate, which is to be equally divided between the majority and minority parties. . . .

Second, amendments are to be considered under the 5-minute rule. . . .

Third, after the Committee of the Whole rises and reports the resolution back to the House, the previous question is considered to be ordered on the resolution and any amendments to the resolution to final passage without intervening motion, except that at any time prior to final passage, it is in order to adopt an amendment or series of amendments changing any figure or figures in the resolution to the extent necessary to achieve mathematical consistency. . . .

MR. [DELBERT L.] LATTA [of Ohio]: . . . Am I correct in assuming that once a figure in the resolution is

amended, it is no longer subject to further amendment?

THE CHAIRMAN: The gentleman from Ohio (Mr. Latta) is correct. A further amendment merely changing that amended figure would not be in order.

§ 33.4 Where there was pending in Committee of the Whole a perfecting amendment changing several figures, including the function for national defense, in a concurrent resolution on the budget, the Chair indicated in response to a parliamentary inquiry that if such amendment were adopted, a further amendment would not be in order which merely sought to change the amended figures.

On Apr. 27, 1977,⁽¹⁴⁾ the Committee of the Whole having under consideration House Concurrent Resolution 195,⁽¹⁵⁾ the Chair responded to a parliamentary inquiry regarding a pending amendment, as described above. The proceedings were as follows:

Amendment offered by Mr. [Otis G.] Pike [of New York]: In the matter relating to the appropriate level of total new budget authority strike out "\$580,757,000,000" and insert in lieu thereof "\$500,627,000,000";

12. Setting forth the congressional budget on an aggregate basis for fiscal 1976.

13. Richard Bolling (Mo.).

14. 123 CONG. REC. 12483-85, 95th Cong. 1st Sess.

15. The first concurrent resolution on the budget, fiscal 1978.

In the matter relating to the appropriate level of total budget outlays strike out “\$463,857,000,000” and insert in lieu thereof “\$463,727,000,000”. . .

In the matter relating to national defense, strike out “\$115,986,000,000” in budget authority and insert in lieu thereof “\$115,968,000,000”; and strike out “\$109,647,000,000” in outlays and insert in lieu thereof “\$109,629,000,000”. . . .

MR. [RICHARD H.] ICHORD [of Missouri]: Mr. Chairman, I have a parliamentary inquiry. . . .

I understand that the amendment offered by the gentleman from New York (Mr. Pike) does touch upon the national defense category.

I am very deeply concerned, Mr. Chairman, because the gentleman from Texas (Mr. Burleson) has an amendment which also touches upon the defense category and would restore the President's budget on national defense to \$120.1 billion, as requested by President Carter.

My question is, Mr. Chairman, if this amendment is adopted, would the amendment of the gentleman from Texas (Mr. Burleson) be in order?

THE CHAIRMAN: ⁽¹⁶⁾ The Chair would like to advise the gentleman from Missouri (Mr. Ichord) that if the amendment offered by the gentleman from New York (Mr. Pike) changes the figure in the category which the gentleman has suggested, then an amendment merely seeking to further change that figure in the same category would not be in order.

For the benefit of the gentleman from Missouri (Mr. Ichord), the Chair

would like to cite from page 721 of our new manual which provides as follows:

Where there is pending in the Committee of the Whole a perfecting amendment to a concurrent resolution on the budget changing several figures therein, the Chair indicated that adoption of that amendment would preclude further amendments merely changing those amended figures.

That is in answer to the gentleman's inquiry. Therefore, such an amendment as the gentleman has in mind would not be in order at that time.

However, if the amendment to be proposed and to be offered by the gentleman from Texas should be more inclusive in nature, changing other unamended portions of the resolution, then such an amendment might be in order.

§ 33.5 An amendment is not in order if it seeks merely to change the same figure in a bill that has previously been changed by an amendment considered and agreed to with others en bloc.

On Aug. 7, 1978,⁽¹⁷⁾ during consideration of H.R. 13635⁽¹⁸⁾ in the Committee of the Whole, Mr. William L. Dickinson, of Alabama, offered amendments and asked unanimous consent that they be considered en bloc. Mr. William S. Cohen, of Maine, addressed a par-

17. 124 CONG. REC. 24705, 95th Cong. 2d Sess.

18. The Department of Defense appropriation bill, fiscal 1979.

16. William H. Natcher (Ky.).

liamentary inquiry to the Chair as to whether he would be precluded from offering an amendment to the same monetary figure as that sought to be changed by one of the en bloc amendments. The Chair responded that if the amendments offered en bloc were agreed to, an amendment would not be in order to further change the figure so changed by the en bloc amendment. The proceedings were as follows:

MR. DICKINSON: Mr. Chairman, I offer amendments and ask unanimous consent that they be considered en bloc.

The Clerk read as follows:

Amendments offered by Mr. Dickinson: On page 6, line 15, strike "\$11,705,155,000;" and insert in lieu thereof "\$11,691,754,000;".

On page 14, line 24, strike "\$916,708,000" and insert in lieu thereof "\$917,401,000". . . .

MR. COHEN: Mr. Chairman, I have a parliamentary inquiry. . . .

. . . I have an amendment at the desk to page 6, line 15, which includes the same amount of money that is on line 15.

If the gentleman from Alabama (Mr. Dickinson) proceeds with consolidated amendments, will I still have the opportunity to offer a substitute to the amendment of the gentleman from Alabama?

THE CHAIRMAN:⁽¹⁹⁾ The Chair will state that if the amendments offered en bloc are agreed to, the gentleman

would be precluded from offering his amendment.

MR. COHEN: Then, Mr. Chairman, if I would not be allowed to offer my amendment as a substitute for that of the gentleman from Alabama, I would have to object to the unanimous-consent request.

THE CHAIRMAN: Objection is heard.

Parliamentarian's Note: The Cohen amendment could have been offered as either a perfecting amendment to or a substitute for the Dickinson en bloc amendments.

§ 33.6 A point of order that an amendment changed a portion of the text already changed by amendment, and relating to monetary figures, was conceded and sustained.

On June 26, 1979, the Committee of the Whole had under consideration H.R. 3930, the Defense Production Act Amendments of 1979. The Clerk read the bill, which stated in part:⁽²⁰⁾

"Sec. 305. (a) The President, utilizing the provisions of this Act and any other applicable provision of law, shall attempt to achieve a national production goal of at least 500,000 barrels per day crude oil equivalent of synthetic fuels and synthetic chemical feedstocks not later than five years after the effective date of this section. The President is authorized and directed to re-

19. Dan Rostenkowski (Ill.).

20. 125 CONG. REC. 16663, 96th Cong. 1st Sess.

quire fuel and chemical feedstock suppliers to provide synthetic fuels and synthetic chemical feedstocks in any case in which the President deems it practicable and necessary to meet the national defense needs of the United States.

Mr. James C. Wright, Jr., of Texas, offered amendments which affected this and other provisions of the bill. The amendment, and some discussion of it by Mr. Wright, follow: ⁽²¹⁾

MR. WRIGHT: Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Wright: Page 5, line 2, strike out the period after "section" and insert in lieu thereof "and at least 2,000,000 barrels per day crude oil equivalent of synthetic fuels and synthetic chemical feedstocks not later than ten years after the effective date of this section."

Page 5, line 24, strike out "goal" and insert in lieu thereof "goals".

Page 8, line 16, strike out "goal" and insert in lieu thereof "goals".

Page 10, line 23, strike "appropriated \$2,000,000,000" and insert in lieu thereof "appropriated from general funds of the Treasury not otherwise appropriated or from any fund hereafter established by Congress after the date of enactment of this sentence not to exceed \$3,000,000,000".

MR. WRIGHT: Mr. Chairman, the amendments that I offer would increase the goal from the 500,000 barrels a day that we authorize and direct the President to achieve by 1985 or by

5 years from the enactment date to encompass an additional goal of 2 million barrels a day by 1990. We believe that is an achievable goal. The administration says that it is an achievable goal. The Department of Energy says that this goal can be achieved.

Why should we go to 2 million barrels a day instead of just stopping at 500,000? Quite obviously because the great problem that confronts this Nation, the problem that is getting worse and not better, is our growing vulnerability to and reliability upon foreign nations, particularly OPEC nations, for our supply. That is why we have shortages now, because we are importing almost 9 million barrels daily. Almost 9 million barrels a day. That is our deficiency. It certainly is not too much to commit ourselves in 10 years to produce at least 2 million barrels to reduce our Nation's vulnerability.

The Wright amendments were agreed to. ⁽²²⁾ Subsequently, Mr. Richard Kelly, of Florida, offered amendments which in part affected the provisions amended by the Wright amendment. ⁽²³⁾

MR. KELLY: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Kelly: Page 3, line 7, after "thereof" strike "\$38,000,000" and insert in lieu thereof—" \$100,000,000".

Page 4, line 5, strike "\$48,000,000" and insert in lieu thereof "\$125,000,000".

MR. KELLY (during the reading): Mr. Chairman, I ask unanimous consent

21. *Id.* at p. 16668.

22. *Id.* at p. 16674.

23. *Id.* at pp. 16678, 16679.

that the amendment be limited to that which has been read and that the two portions of the amendment be considered en bloc.

THE CHAIRMAN:⁽¹⁾ Is there objection to the request of the gentleman from Florida?

MR. [RICHARD L.] OTTINGER [of New York]: Mr. Chairman, reserving the right to object, can the gentleman give me an idea what he seeks to do?

THE CHAIRMAN: The gentleman from Florida will restate his unanimous consent request.

MR. KELLY: The unanimous-consent request is that the amendment be limited to the portion that has been read and that since there are two parts to it, they be considered en bloc.

MR. OTTINGER: What is the effect of it? I just do not understand.

MR. KELLY: The effect of the amendment is to increase the guaranty authority and the loan authority.

MR. OTTINGER: Mr. Chairman, I think that is a very bad idea, and I object.

THE CHAIRMAN: Objection is heard.

The Clerk will continue to read the amendment.

The Clerk continued to read the amendment as follows:

Page 4, line 25, strike "500,000" and insert in lieu thereof "400,000".

Page 5, line 2, after "section." insert the following: "Thereafter production of synthetic fuels and synthetic chemical feedstocks shall proceed according to the following schedule: at least 800,000 barrels per day crude oil equivalent not later than ten years after the effective date of this section, at least

1,200,000 barrels per day not later than fifteen years after the effective date of this section, at least 1,600,000 barrels per day not later than twenty years after the effective date of this section, and at least 2,000,000 barrels per day not later than twenty-five years after the effective date of this section. Said production goals shall be subject to review by Congress every two years."

Page 5, line 24, strike out "goal" and insert in lieu thereof "goals".

Page 8, line 16, strike out "goal" and insert in lieu thereof "goals". . . .

MR. [ALBERT A.] GORE [Jr., of Tennessee]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. GORE: If I am not mistaken, Mr. Chairman, the Wright amendment, which has already been acted upon, amended page 4, line 25, and changed the 500,000 figure already. The gentleman seeks to return to that line and change the figure once again, which has already been changed.

I would think that a point of order would lie against the amendment.

THE CHAIRMAN: Does the gentleman from Florida wish to be heard?

MR. KELLY: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. KELLY: Mr. Chairman, is it not within my authority to limit my amendment to the first four lines of the amendment as it is printed?

THE CHAIRMAN: The gentleman may offer a new amendment if he wishes.

MR. KELLY: I do offer a new amendment, Mr. Chairman, which is limited to the first four lines.

1. Gerry E. Studds (Mass.).

THE CHAIRMAN: Does the gentleman concede the point of order on the original amendment?

MR. KELLY: Yes, Mr. Chairman.

THE CHAIRMAN: The point of order is conceded and therefore sustained.

§ 33.7 Where an amendment changing a figure in an appropriation bill has been agreed to, a subsequent amendment merely making a further change in that figure is not in order.

An example of the proposition described above occurred on July 17, 1985,⁽²⁾ during consideration of H.R. 2965. When a paragraph funding the Legal Services Corporation was read, the proceedings in the Committee of the Whole were as follows:

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, \$305,000,000; . . .

MR. [MANUEL] LUJAN [Jr., of New Mexico]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Lujan: On page 40, line 12, delete "305,000,000" and insert in lieu thereof "305,500,000". . . .

THE CHAIRMAN:⁽³⁾ The question is on the amendment offered by the gentleman from New Mexico (Mr. Lujan).

2. 131 CONG. REC. 19444, 99th Cong. 1st Sess.
3. George E. Brown, Jr. (Calif.).

The amendment was agreed to. . . .

MR. [TOM] DELAY [of Texas]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DeLay: On page 40, strike line 12 and insert in lieu thereof: "1974, as amended, \$274,500,000: *Provided* That none of".

MR. [NEAL] SMITH of Iowa: Mr. Chairman, I make a point of order that we have already passed an amendment to that action. . . .

MR. DELAY: Mr. Chairman, my amendment was prepared, I believe if I am not correct, in advance of the amendment of the gentleman from New Mexico. I just hoped to be able to offer my amendment at this point in the Record.

THE CHAIRMAN: The Chair is constrained to support the point of order of the chairman of the subcommittee in that this figure has already been amended once, and that precludes a further amendment to the figure.

Parliamentarian's Note: Although it is not in order to offer an amendment merely changing an amendment already adopted, it is in order to offer a subsequent amendment more comprehensive than the amendment adopted, changing unamended portions of the bill as well.⁽⁴⁾ were, the DeLay

4. See, for example, 131 CONG. REC. 19648, 19649, 19652, 99th Cong. 1st Sess., July 18, 1985 (amendments offered by Mr. Hank Brown, of Colorado, to H.R. 2942, Legislative Branch Appropriations for fiscal 1986).

amendment merely reiterated unamended text, thus was not "broader" than the Lujan amendment.

§ 33.8 Until adoption of an amendment to strike out and insert changing a figure in a bill, further amendments to change the figure are in order.

On Nov. 18, 1981,⁽⁵⁾ the Committee of the Whole having under consideration H.R. 4995,⁽⁶⁾ the above-stated proposition was illustrated as indicated below:

MR. [ELLIOTT H.] LEVITAS [of Georgia]: If the amendment of the gentleman from New York is not agreed to, would it then be in order for a further amendment to the same figures to be offered relating solely to the basing mode?

THE CHAIRMAN:⁽⁷⁾ If the amendment is not agreed to and the figures are not changed, further amendments to those figures and to this paragraph would be in order.

Amendment Changing Total Figure

§ 33.9 Where the Committee of the Whole has adopted an amendment changing the

5. 127 CONG. REC. 28048, 97th Cong. 1st Sess.

6. Department of Defense appropriation bill for fiscal year 1982.

7. Dan Rostenkowski (Ill.).

total figure in a paragraph of an appropriation bill, it is not in order to further amend such figure.

On July 30, 1969,⁽⁸⁾ the following proceedings took place:

The Clerk read as follows:

Amendment offered by Mr. [David H.] Pryor of Arkansas: . . .

On page 30, line 3, strike out "\$126,209,000," and insert in lieu thereof "135,394,000". . . .

So the amendment was agreed to.

Amendment offered by Mr. [Torbert H.] Macdonald of Massachusetts: On page 30, line 3, strike out "\$126,209,000" and insert in lieu thereof "\$130,834,000". . . .

MR. [DANIEL J.] FLOOD [of Pennsylvania]: . . . I submit, Mr. Chairman, in support of my point of order that this has already been amended, and the gentleman's amendment is, therefore, not in order. . . .

THE CHAIRMAN:⁽⁹⁾ . . . The Pryor amendment modified the sum of \$126,209,000, to \$136,394,000. Therefore, it is not subject to further amendment.

Subsequent Amendment Making Percentage Reduction of Figures in Bill

§ 33.10 After adoption of an amendment or amendments changing monetary figures

8. 115 CONG. REC. 21456, 21458, 21459, 91st Cong. 1st Sess. Under consideration was H.R. 13111.

9. Chet Holifield (Calif.).

in a bill, further amendments merely changing those figures are not in order, but an amendment making a general percentage reduction in all figures contained in the bill and indirectly affecting those figures, would still be in order.

On Aug. 7, 1978,⁽¹⁰⁾ during consideration of H.R. 13635 (the Defense Department appropriations) in the Committee of the Whole, the situation described above occurred as follows:

MR. [WILLIAM L.] DICKINSON [of Alabama]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dickinson: On page 2, line 11, strike "\$9,123,000" and insert in lieu thereof "\$9,125,299,000". . . .

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Chairman, I would like to make a parliamentary inquiry. In the event the amendments offered by the gentleman from Alabama, which probably go to titles I, III, and IV—perhaps not IV, but III at least—anyway, to more than one title, if they were adopted, would that preclude thereafter a general 2-percent across-the-board amendment to the same title?

THE CHAIRMAN PRO TEMPORE: The amendments of the gentleman from Alabama go to at least four titles of the bill, and to the extent that they change

figures by amendment, they are not subject to further amendment if adopted.

MR. VOLKMER: Would a general 2-percent across-the-board cut, which does not actually change the figure, be in order?

THE CHAIRMAN PRO TEMPORE: That would still be in order.

Amendment Imposing Dollar Limits as Modifying Amendment Already Adopted

§ 33.11 Where an amendment inserting a new paragraph in an appropriation bill has been agreed to, it is too late to offer a further amendment to the page and lines of the bill encompassed by the adopted amendment, where the proffered amendment is in effect a proviso within the adopted language and seeks to impose dollar limits on programs covered by the bill.

On July 23, 1970,⁽¹¹⁾ during consideration of H.R. 18515, a portion of the bill was stricken on a point of order, whereupon Mr. Robert H. Michel, of Illinois, offered an amendment, subsequently agreed to, which restored some of the stricken language. Thereafter, Mr. George H. Mahon, of Texas, offered an amendment which was in

10. 124 CONG. REC. 24686, 24689, 24690, 95th Cong. 2d Sess.

11. 116 CONG. REC. 25634-36, 91st Cong. 2d Sess.

effect a proviso to the Michel amendment (and, on that basis, offered too late) but which Mr. Mahon sought to offer as an amendment to the bill. The proceedings were as follows:

THE CHAIRMAN:⁽¹²⁾ The Clerk will read.

The Clerk read as follows:

OFFICE OF ECONOMIC OPPORTUNITY
ECONOMIC OPPORTUNITY PROGRAM

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, \$2,046,200,000, plus reimbursements: *Provided* That this appropriation shall be available for transfers to the economic opportunity loan fund for loans under title III, and amounts so transferred shall remain available until expended: *Provided further*, That this appropriation shall be available for the purchase and hire of passenger motor vehicles, and for construction, alteration, and repair of buildings and other facilities, as authorized by section 602 of the Economic Opportunity Act of 1964, and for purchase of real property for training centers: *Provided further*, That this appropriation shall not be available for contracts under titles I, II, V, VI, and VIII extending for more than twenty-four months: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Of-

fice shall have access to the records of the grantee which bear exclusively upon the Federal grant: *Provided further*, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels shall not be effective during the fiscal year ending June 30, 1971. . . .

MR. [CARL D.] PERKINS [of Kentucky]: Mr. Chairman, I make a point of order against the language beginning on page 38, line 25, and on page 39 through line 3. The language reads:

Provided further, That those provisions of the Economic Opportunity Amendments of 1967 and 1969 that set mandatory funding levels shall not be effective during the fiscal year ending June 30, 1971.

Mr. Chairman, this is legislation in an appropriation bill and sets aside all the earmarking that we provided for in the Economic Opportunity Authorization Act.

THE CHAIRMAN: Does the gentleman from Pennsylvania desire to be heard on the point of order?

MR. [DANIEL J.] FLOOD [of Pennsylvania]: Mr. Chairman, we concede the point of order.

THE CHAIRMAN: The point of order is conceded and the Chair therefore sustains the point of order. . . .

MR. [DURWOOD G.] HALL [of Missouri]: Mr. Chairman, I make a further point of order under this title and under the heading "Office of Economic Opportunity," on page 38, lines 1 through 25, including the colon after the word "grant", predicated upon the fact that this is further legislation in an appropriation bill and that it involves specifically, Mr. Chairman, the phrase on line 14 "and for purchase of

12. Chet Holifield (Calif.).

real property for training centers:" and other legislation language which is foreign to an appropriation bill.

Mr. Chairman, I will say further that the point of order is not waived by House Resolution 1151 which, of course, was changed by unanimous consent on the House floor to include all points of order against appropriations carried in the bill which are not yet authorized by law are hereby waived.

Mr. Chairman, this is in specific violation of section 601 of the Economic Opportunity Act of 1964, which is contained in the bill, page 38, line 13, which act, according to 42 United States Code, referring specifically to section 602, section 2914 in no place allows for acquisition of land, although it does provide for construction repairs and capital improvements.

For all of these considerations, it is my firm belief that the remainder of this section of the bill under consideration should be stricken, and that the point of order should stand. . . .

THE CHAIRMAN: As the Chair understands it, the gentleman from Missouri (Mr. Hall), has made his point of order against all language from and including lines 1 to 25 on page 38. Unless the chairman of the committee can cite authorization language, particularly for the language "and for the purchase of real property for training centers" which the gentleman from Missouri has specified, the Chair is ready to rule. . . .

MR. PERKINS: Mr. Chairman, if I understand the point of order raised by the gentleman from Missouri, the gentleman moved to strike the language on page 38 from what line through what line?

MR. HALL: The Chair has just repeated it. Line 1, including the title and the heading, down through the colon following the word "grant."

MR. PERKINS: Mr. Chairman, if I may be heard further, lines 1 through 5 including the amount authorized and appropriated, \$2,046,200,000, follows the language in the authorization bill. We do have some new language commencing on lines 14 through 15 that is not in the authorization bill presently, but this is the language that has been carried on previous appropriation bills. The language that I specifically refer to that is not in the authorization bill is on line 14 after "1964," commencing with "and for purchase of real property for training centers."

Now, this language is not in the authorization bill.

The language commencing on line 18 and the rest of the paragraph down to line 21 is language on an appropriation bill, in my judgment, because there is nothing in the authorization bill. But we certainly do not want the amount that is appropriated for the economic opportunity act stricken from this bill. It is in strict compliance with the authorization amendment.

THE CHAIRMAN: The Chair is ready to rule.

There are ample precedents for ruling a complete paragraph out of order, if any part of that paragraph is out of order. The gentleman from Kentucky has conceded that part of it is not in order, and therefore the Chair sustains the point of order made by the gentleman from Missouri (Mr. Hall). . . .

The Clerk read as follows:

Amendment offered by Mr. Michel: on page 38, line 1, insert the following:

OFFICE OF ECONOMIC OPPORTUNITY

ECONOMIC OPPORTUNITY PROGRAM

For expenses necessary to carry out the provisions of the Economic Opportunity Act of 1964 (Public Law 88-452, approved August 20, 1964), as amended, \$2,046,200,000, plus reimbursements: *Provided* That this appropriation shall be available for transfers to the economic opportunity loan fund for loans under title III, and amounts so transferred shall remain available until expended: . . . *Provided further*, That this appropriation shall not be available for contracts under titles I, II, V, VI, and VIII extending for more than twenty-four months: *Provided further*, That no part of the funds appropriated in this paragraph shall be available for any grant until the Director has determined that the grantee is qualified to administer the funds and programs involved in the proposed grant: *Provided further*, That all grant agreements shall provide that the General Accounting Office shall have access to the records of the grantee which bear exclusively upon the Federal grant.

MR. MICHEL (during the reading): Mr. Chairman, I ask unanimous consent that the amendment be considered as read.

MR. PERKINS: Well, let us see what you have in there first.

MR. MICHEL: If the gentleman will withhold for a moment, I can explain it very simply.

All that I have done in my amendment is to strike out the words beginning on page 38, line 14, "and for purchase of real property for training centers:" and left the balance of the page precisely as it is, except down on line 25, after the word "grant" there will be a period, and the last part of that sentence will be stricken. . . .

MR. HALL: Mr. Chairman, I make a point of order against the amendment.

THE CHAIRMAN: The gentleman will state the point of order.

MR. HALL: Mr. Chairman, the point of order against the amendment is that all of the language to which the amendment addresses itself on page 38 of the bill, H.R. 18515, has been stricken.

Mr. Chairman, there is no way that we can amend something that is not before the House.

THE CHAIRMAN: The gentleman from Illinois (Mr. Michel) has offered a separate amendment to insert a new paragraph, and the amendment is in order.

The gentleman from Illinois (Mr. Michel) is recognized for 5 minutes in support of his amendment.

MR. MICHEL: Mr. Chairman, as I understood the colloquy of the gentleman from Missouri when he was making his point of order, he had specific reference to lines 14 and 15, which I deleted in my amendment.

Now over and above that, the last sentence on line 25, page 38, "*Provided further*, That those provisions," inasmuch as that was the language which he cited as being subject to a point of order, I of course, offered the amendment deleting that objectionable phrase and I submit that the balance of the page is what has traditionally been carried in the OEO appropriation bill. . . .

THE CHAIRMAN: Does any Member wish to be heard in opposition to the amendment? If not, the Chair will put the question.

The question is on the amendment offered by the gentleman from Illinois (Mr. Michel).

The question was taken; and on a division (demanded by Mr. Hall) there were—ayes 99, noes 31.

So the amendment was agreed to.

THE CHAIRMAN: For what purpose does the gentleman from Texas rise?

MR. MAHON: Mr. Chairman, I have an amendment at the desk. . . .

MR. [JAMES G.] O'HARA [of Michigan]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. O'HARA: As I understand the situation, all the language on page 38 and the first three lines on page 39 were stricken under a point of order.

THE CHAIRMAN: The gentleman is correct.

MR. O'HARA: At that point, following that ruling of the Chair, the gentleman from Illinois (Mr. Michel) offered an amendment to the bill which restored a good part of that language.

Is it not correct, Mr. Chairman, that if anyone wanted to amend the language of the Michel amendment, he should have offered his amendment while the Michel amendment was pending?

THE CHAIRMAN: The gentleman is correct. . . .

The Clerk read as follows:

Amendment offered by Mr. [George H.] Mahon [of Texas]: After the colon on page 38, line 25, insert the following:

"Provided further, That of the sums appropriated under this Act not more than \$33 million shall be spent for the purpose of carrying out programs under section 222(a)(5), not more than \$4,000,000 shall be spent for the purpose of carrying out programs under section 222(a)(8),

not more than \$3,000,000 shall be spent for the purpose of carrying out programs under Sec. 222(a)(9), and not more than \$5,000,000 shall be spent for the purpose of carrying out programs under part A of title III."

MR. O'HARA: Mr. Chairman, I make the point of order that the amendment comes too late. It should properly have been an amendment to the amendment offered by the gentleman from Illinois, Mr. Michel. It now comes too late. . . .

MR. MICHEL: Mr. Chairman, I would like to be heard on the point of order. It would seem to me, if I understand the language of the gentleman from Texas, it is a new paragraph. It would not come under but would follow the text of my amendment which I offered.

THE CHAIRMAN: The Chair does not understand it in that light. The amendment offered by the gentleman from Texas is a continuation of and is an addition to the amendment just agreed to and is in the form of a proviso and is not in the form of a paragraph or new section to the bill.

MR. MAHON: Mr. Chairman, I ask unanimous consent that I may modify the amendment. I ask that it be an amendment which shall be inserted at the beginning of page 39, as a separate paragraph.

THE CHAIRMAN: Is there objection to the request of the gentleman from Texas?

MR. O'HARA: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

The Chair must rule the amendment offered by the gentleman from Texas is out of order.

Amendment of Line-Item Amounts Where Total Authorization Has Been Amended

§ 33.12 Where a bill carries a total authorization, com-

prised of individual projects with line-item amounts, such line-items are subject to amendment notwithstanding the fact that a perfecting amendment to the total authorization precludes further amendment of the total sum.

The proceedings of June 28, 1967, during consideration of H.R. 10340 authorizing appropriations for the National Aeronautics and Space Administration, are discussed in Sec. 33.2, *supra*.

Amendment Providing Funds "in Addition to" Amount Which Has Been Agreed To

§ 33.13 When an amendment changing an amount of money in a bill has been agreed to, an amendment proposing a further change in the amount is not in order. But where a figure in an appropriation bill has been agreed to, an amendment inserted following the figure agreed upon and providing funds "in addition thereto" is in order.

On June 5, 1959,⁽¹³⁾ the following proceedings took place:

The Clerk read as follows:

13. 105 CONG. REC. 10055, 86th Cong. 1st Sess. Under consideration was H.R. 7509.

Amendment offered by Mr. [Fred] Wampler [of Indiana]: On page 4, line 7, after the word "expended" strike out "\$658,300,100" and insert in lieu thereof "\$658,352,100". . .

MR. [BEN F.] JENSEN [of Iowa]: Has not this figure which the gentleman seeks to amend already been amended?

THE CHAIRMAN:⁽¹⁴⁾ The gentleman is correct. . . .

MR. JENSEN: Mr. Chairman, I make the point of order, then, that the amendment is out of order.

THE CHAIRMAN: The point of order is sustained.

Subsequent proceedings were as follows:⁽¹⁵⁾

MR. WAMPLER: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Wampler: On page 21, line 7, after the amount shown add the following: "And in addition \$52,000 for the following projects: Sugar Creek, West Terre Haute, Clinton, and Conover Levee."

MR. [JOHN] TABER [of New York]: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. TABER: Mr. Chairman, I make the point of order that the language has been once amended.

THE CHAIRMAN: The gentleman from New York must have misunderstood the reading of the amendment, because it follows the amount and does not alter the amount.

14. Hale Boggs (La.).

15. 105 CONG. REC. 10057, 86th Cong. 1st Sess.

The gentleman from Indiana is recognized for 5 minutes in support of his amendment.

Rejection of Amendment To Strike Figure in Appropriation Bill

§ 33.14 If an amendment seeking to strike out a figure in an appropriation bill has been rejected, it remains in order to offer an amendment to change such figure. ⁽¹⁶⁾

Amendment Changing Figures: Similarity to Amendment Previously Rejected

§ 33.15 The change of two figures in an amendment already considered and rejected was held sufficient to permit the consideration of that amendment.

On Sept. 23, 1975,⁽¹⁷⁾ during consideration of a bill⁽¹⁸⁾ in the Committee of the Whole, the Chair overruled a point of order against an amendment as described above. The proceedings were as follows:

Amendment offered by Mr. Dodd:
Page 230, after line 12, insert the following:

16. See Sec. 35.20, *infra*.

17. 121 CONG. REC. 29839, 29841, 94th Cong. 1st Sess.

18. H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

(f) (1) The Secretary shall, by rule, prohibit the granting of any right to develop crude oil, natural gas, coal, or oil shale on Federal lands to any person if more than one major oil company, more than one affiliate of a major oil company, or a major oil company and any affiliate of a major oil company, has or have a significant ownership interest in such person. The rules required to be promulgated pursuant to this paragraph shall apply to the granting of any such right which occurs after the 60-day period which begins on the date of enactment of this Act.

(2) For purposes of this subsection—

(A) The term “major oil company” means any person who, together with any affiliate of such person, produces 1.6 million barrels of crude oil, natural gas liquids, and natural gas equivalents per day. . . .

(C) The term “significant ownership interest” means—

(i) with respect to any corporation, 10 percent or more in value of the outstanding stock or the capital assets of such corporation.

(ii) with respect to a partnership, 10 percent or more interest in the profits or capital of such partnership. . . .

Sec. 1201. (a) The Secretary of Interior shall, by rule, prohibit the granting of any right to develop crude oil, natural gas, coal, or oil shale on Federal lands to any person if more than one major oil company, more than one affiliate of a major oil company, or a major oil company and any affiliate of a major oil company, has or have a significant ownership interest in such person. The rules required to be promulgated pursuant to this subsection

shall apply to the granting of any such right which occurs after the 60-day period which begins on the date of enactment of this act.

(b) For purposes of this subsection—

(1) The term “major oil company” means any person who, together with any affiliate of such person, produces 1.65 million barrels of crude oil, natural gas liquids, and natural gas equivalents per day. . . .

(3) The term “significant ownership interest” means—

(A) with respect to any corporation, 20 percent or more in value of the outstanding stock or the capital assets of such corporation,

(B) with respect to a partnership, 20 percent or more interest in the profits or capital of such partnership. . . .

MR. [LOUIS] FREY [Jr., of Florida]: . . . I would like to speak on my point of order. On page 9 of Cannon's procedures it states as follows:

Previously rejected.

Mere change of figures not sufficient to admit.

It is my understanding that this amendment was rejected by the House on July 31 and the only change in this amendment, if I am correct, between that date and today is the figure of 1.65 million barrels of crude oil and 1.6 million barrels of crude oil. I think that is not a substantial change. I think that comes within the rules stated on page 9 of Cannon's procedures. . . .

MR. [CHRISTOPHER J.] DODD [of Connecticut]: Mr. Chairman, in addition to the change in the production figures there is also a change in the definition of a significant ownership in this, the change from 10 percent to 20 percent.

I would submit, Mr. Chairman, that these are significant changes in that the actual production that would be involved means that we are talking about 500,000 barrels of oil a day, and that is significant.

Also, I would point to similar cases which have raised this point. I am referring to Deschler's procedure, section 33, referring to amendments previously considered and rejected, and there are numerous cases that are referred to which involve the very point of order raised by the gentleman from Florida, and I would quote from one particular one:

Mere similarity of an amendment to one previously considered and rejected is not sufficient to warrant the Chair ruling it out of order; if different in form it is admitted.

I repeat that this is a substantial change in the figures; it is different in form, and therefore is in order.

THE CHAIRMAN:⁽¹⁹⁾ The Chair is ready to rule.

There are numerous precedents that affect this matter, and the Chair will cite them, section 2840, volume 8 of Cannon's precedents, and other precedents following section 2840, that the Chair might state but will not do so in order not to prolong the matter.

The Chair feels that the changes are sufficient to be completely in line with section 2840, page 438, volume 8 of Cannon's precedents:

Similarity of an amendment to one previously rejected will not render it inadmissible if sufficiently different in form to present another proposition.

The Chair feels the various changes make this another proposition and therefore overrules the point of order.

19. Richard Bolling (Mo.).

Rejection of Amendment Considered En Bloc With Other Amendments

§ 33.16 Where an amendment to a figure in a bill considered en bloc with other amendments has been rejected, no point of order lies against a subsequent amendment to that figure containing a different amount and offered as a separate amendment.

On Aug. 7, 1978,⁽²⁰⁾ the Committee of the Whole having under consideration H.R. 13635 (the Defense Department appropriation), the above-stated proposition was illustrated as indicated below:

MR. DICKINSON: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Dickinson: On page 6, line 4, strike "\$9,097,422,000" and insert in lieu thereof "\$9,115,421,000".

MR. [GEORGE H.] MAHON [of Texas]: Mr. Chairman, I make a point of order against the amendment offered by the gentleman from Alabama (Mr. Dickinson).

First, Mr. Chairman, I would ask whether this is the same amendment that has been offered before or if this is a part of that amendment?

MR. DICKINSON: Mr. Chairman, if the gentleman will yield, I would re-

spond by saying that this is similar to the one that was offered before but it is in fact different. I am offering it for the purpose of obtaining a recorded vote. I am going to attempt to obtain a recorded vote until I get one. But this amendment is different to that offered before.

MR. MAHON: Mr. Chairman, I make a point of order against the amendment. . . .

THE CHAIRMAN:⁽¹⁾ The Chair recognizes the gentleman from Florida (Mr. Sikes) on the point of order.

MR. [ROBERT L. F.] SIKES [of Florida]: Mr. Chairman, as I understand it, there is a \$1,000 change in the amount in the amendment which is offered now.

This is dilatory. It is consuming the time of the House while we have many important things still to be considered.

Mr. Chairman, I would trust that the amendment would be considered out of order.

THE CHAIRMAN: The Chair will make the observation that this particular amendment has not been offered before. The figure is a substantial change from a previously considered amendment, and the Chair does not consider the amendment to be dilatory.

The Chair recognizes the gentleman from Alabama (Mr. Dickinson) for 5 minutes in support of his amendment. . . .

MR. SIKES: Mr. Chairman, if I may make a further parliamentary inquiry, do I not understand that this amendment is essentially the same as the ones offered en bloc and previously disposed of on the floor?

20. 124 CONG. REC. 24701, 24702, 95th Cong. 2d Sess.

1. Dan Rostenkowski (Ill.).

THE CHAIRMAN: The Chair will state that this amendment is offered separately and contains a different figure.

MR. SIKES: A \$1,000 difference, Mr. Chairman.

THE CHAIRMAN: It is a different figure. The Chair has already made that observation.

MR. SIKES: Mr. Chairman, it is a dilatory amendment which, I think, is taking the time of the House unnecessarily.

THE CHAIRMAN: The Chair has already ruled.

§ 34. Effecting Changes by Unanimous Consent

By unanimous consent, an amendment which has been agreed to may be subsequently amended. Moreover, where an amendment has been adopted in Committee of the Whole and, by unanimous consent, a Member is then permitted to offer an amendment thereto which is adopted, the Chair does not put the question on the amendment as amended, since proceedings where the original amendment has been agreed to have not been vacated and the original amendment has become part of the text of the bill.⁽²⁾ In some situations, on the other hand, the proceedings whereby an amendment has been adopted have been vacated, and in

2. See §34.1, *infra*.

such cases the amendment has been amended and then adopted as amended.⁽³⁾

Generally

§ 34.1 By unanimous consent, it is in order to amend an amendment which has already been agreed to.

An illustration of a unanimous-consent request as described above can be found in the proceedings of Sept. 17, 1970,⁽⁴⁾ during consideration of H.R. 17654, the Legislative Reorganization Act of 1970:

MR. [H. ALLEN] SMITH of California: . . . I ask unanimous consent to return to page 39 of H.R. 17654, immediately below line 4, for the purpose of offering a perfecting amendment to the amendment offered by Mr. White which was adopted in this committee. . . .

There was no objection.

MR. SMITH OF CALIFORNIA: Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from Texas (Mr. White).

The Clerk read as follows:

Amendment offered by Mr. Smith of California to the amendment offered by Mr. White: In paragraph (b) of clause 2 of rule XV of the rules of the House as contained in the

3. See §34.2, *infra*.

4. 116 CONG. REC. 32303, 32304, 91st Cong. 2d Sess.